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C O N F I D E N T I A L ZAGREB 000798

SIPDIS

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TAGS: [MARR](#) [PREL](#) [PHUM](#) [HR](#) [EUN](#)

SUBJECT: CROATIA/ICC/ARTICLE 98: NO EU PRESSURE BUT GOC NOT READY TO NEGOTIATE

REF: A. STATE 92117

[1](#)B. TBILISI 778

CLASSIFIED BY: POLOFF ROB SILBERSTEIN, REASON 1.5 (B) AND (D)

[1](#)1. (C) WE HAVE NOT DETECTED ANY BLATANT EU PRESSURE ON THE GOC NOT TO NEGOTIATE AN ARTICLE 98 AGREEMENT WITH US. HOWEVER, FOR THE MOMENT, THE EU DOES NOT NEED TO STRONG-ARM THE CROATIANS. THE GOC IS NOWHERE NEAR TAKING A DECISION ON OPENING FORMAL NEGOTIATIONS WITH US ON ARTICLE 98, LET ALONE READY TO CONCLUDE AN AGREEMENT.

[1](#)2. (C) PRIME MINISTER RACAN TOLD THE AMBASSADOR ON A NUMBER OF OCCASIONS THAT HE UNDERSTANDS OUR REQUIREMENTS AND IS WILLING TO REACH AN ARTICLE 98 AGREEMENT. THAT BEING SAID, RACAN AND OTHER GOC OFFICIALS HAVE MADE IT CLEAR THAT THE GOC, WITH ITS EU AMBITIONS, DOES NOT WANT TO BE OUT IN FRONT OF THE EU AND IS WAITING TO SEE THE RESULTS OF OUR NEGOTIATIONS WITH KEY EU STATES. THE GOC'S IDEA WOULD BE TO CONCLUDE AN AGREEMENT MODELED ON WHATEVER THE USG AND EU STATES WORK OUT.

[1](#)3. (C) SOME LOCAL OBSERVERS HAVE QUESTIONED WHY THE GOC SHOULD TRANSFER CROATIAN CITIZENS TO THE ICTY WHILE GRANTING U.S. CITIZENS PROTECTION FROM THE ICC. NEVERTHELESS, RACAN INDICATED TO THE AMBASSADOR THAT ICTY LINKAGES WOULD NOT/NOT BE AN OBSTACLE TO CONCLUDING AN AGREEMENT. HOWEVER, THE ICTY ISSUE COULD COMPLICATE PARLIAMENT RATIFICATION OF AN ARTICLE 98 AGREEMENT -- PARTICULARLY IN AN ELECTION YEAR.

[1](#)4. (C) ON APRIL 5, ASSISTANT MINISTER OF DEFENSE JELENA GRCIC-POLIC TOLD US THAT THERE HAS BEEN NO CHANGE IN THE GOC'S WAIT-FOR-THE-EU APPROACH ON ARTICLE 98. GRCIC-POLIC SAID MINISTER OF DEFENSE ZELJKA ANTUNOVIC WAS AWARE OF THE MILITARY ASSISTANCE CUTOFF IMPLICATIONS OF AMERICAN SERVICEMEMBERS PROTECTION ACT (ASPA). WHILE ANTUNOVIC WOULD SUPPORT EFFORTS TO REACH A DEAL, SHE WAS NOT A PLAYER ON THE ISSUE. THE ASSISTANT MINISTER TOLD US THAT THERE WAS STRONG OPPOSITION TO AN ARTICLE 98 AGREEMENT FROM THE OFFICE OF PRESIDENT MESIC. MOREOVER, GRCIC-POLIC SAID THAT, WITHOUT FIRM INSTRUCTIONS FROM THE PRIME MINISTER TO PROCEED IN THE ABSENCE OF AN EU MODEL AGREEMENT, THE MFA WOULD NOT BEGIN NEGOTIATIONS, DESPITE THE JULY 1 ASPA DEADLINE.

[1](#)5. (C) GRCIC-POLIC SPECULATED THAT PRE-ELECTION MANEUVERING AND FEAR OF DAMAGING CROATIA'S EU ASPIRATIONS -- BY JULY 1, CROATIA'S APPLICATION WILL HAVE BEEN REFERRED TO THE COMMISSION FOR THE AVIS PROCESS -- WOULD LEAD RACAN TO FORGO IMET AND FMF FUNDING RATHER THAN CONCLUDE AN AGREEMENT NOT SHIELDED BY PRIOR EU AGREEMENTS. SHE FEARED THAT, IF A CUTOFF OCCURRED, RACAN AND MESIC WOULD SEEK TO MAKE POLITICAL HAY BY TRUMPETING GOC "MORAL DECISIVENESS" IN THE FACE OF U.S. PRESSURE.

COMMENT

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[1](#)6. (C) WE WARNED GRCIC-POLIC THAT, WITH TIME HAVING PASSED, THE GOC STRATEGY OF WAITING FOR EU STATES TO TAKE THE LEAD IS FLAWED AND THE GOC SHOULD BEGIN NEGOTIATING WITH US IN EARNEST: BECAUSE THE ASPA EXEMPTS NATO MEMBERS FROM THE MILITARY ASSISTANCE CUTOFF, KEY EU STATES DO NOT FEEL A SENSE OF URGENCY. WE ALSO CAUTIONED THAT A PRESIDENTIAL WAIVER SHOULD NOT BE PRESUMED. WE WILL CONTINUE TO REMIND THE GOC OF THE IMPENDING JULY 1 DEADLINE AND URGE THEM TO BEGIN TO WORK QUIETLY AND CONSTRUCTIVELY TOWARDS AN AGREEMENT THAT SECURES US BILATERAL PROTECTION FROM THE ICC.

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